

- c. Plaintiff's challenge to the constitutionality of his current detention is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claim is not properly before the court at this time; and
- d. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) - (iii).

Done this 28th day of September, 2009.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE